



## A Public Appeal for Redress to the by Francis Ellingwood Abbot

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PROFESSOR ROYCE'S LIBEL.

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A

PUBLIC APPEAL FOR REDRESS

TO THE

CORPORATION AND OVERSEERS

OF

HARVARD UNIVERSITY.

BY

FRANCIS ELLINGWOOD ABBOT, PH.D.

CAMBRIDGE, MASS.

\* \* \* \* \*

BOSTON, MASS.

GEO. H. ELLIS, 141 FRANKLIN STREET, 1891.

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PUBLIC APPEAL.

TO THE PRESIDENT AND FELLOWS AND BOARD OF OVERSEERS OF HARVARD UNIVERSITY:

*Gentlemen*,--Believing it to be a necessary part of good citizenship to defend one's reputation against unjustifiable attacks, and believing you to have been unwarrantably, but not remotely, implicated in an unjustifiable attack upon my own reputation by Assistant Professor Josiah Royce, since his attack is made publicly, explicitly, and emphatically on the authority of his "professional" position as one of your agents and appointees, I respectfully apply to you for redress of the wrong, leaving it wholly to your own wisdom and sense of justice to decide what form such redress should take. If Dr. Royce had not, by clear and undeniable implication, appealed to your high sanction to sustain him in his attack,--if he had not undeniably sought to create a widespread but false public impression that, in making this attack, he spoke, and had a right to speak, with all the prestige and authority of Harvard University itself,--I should not have deemed it either necessary or becoming to appeal to you in self-defence, or, indeed, to take any public notice whatever of an attack otherwise unworthy of it. But under the circumstances I am confident that you will at once recognize the inevitableness and unquestionable propriety of my appeal from the employee to the employer, from the agent to the principal; and it would be disrespectful to you to doubt for a moment that, disapproving of an attack made impliedly and yet unwarrantably in your name, you will express your disapprobation in some just and appropriate manner. My action in thus laying the matter publicly before you can inflict no possible injury upon our honored and revered Alma Mater: injury to her is not even conceivable, except on the wildly improbable supposition of your being indifferent to a scandalous abuse of his position by one of your assistant professors, who, with no imaginable motive other than mere professional jealousy or rivalry of authorship, has gone to the unheard-of length of "professionally warning the public" against a peaceable and inoffensive private scholar, whose published arguments he has twice tried, but twice signally failed, to meet in an

intellectual way. If the public at large should have reason to believe that conduct so scandalous as this in a Harvard professor will not be condemned by you, as incompatible with the dignity and the decencies of his office and with the rights of private citizens in general, Harvard University would indeed suffer, and ought to suffer; but it is wholly within your power to prevent the growth of so injurious a belief. I beg leave, therefore, to submit to you the following statement, and to solicit for it the patient and impartial consideration which the gravity of the case requires.

## I.

The first number of a new quarterly periodical, the "International Journal of Ethics," published at Philadelphia in October, 1890, contained an ostensible review by Dr. Royce of my last book, "The Way out of Agnosticism." I advisedly use the word "ostensible," because the main purport and intention of the article were not at all to criticise a philosophy, but to sully the reputation of the philosopher, deprive him of public confidence, ridicule and misrepresent his labors, hold him up by name to public obloquy and contempt, destroy or lessen the circulation of his books, and, in general, to blacken and break down his literary reputation by any and every means, even to the extent of aspersing his personal reputation, although there had never been the slightest personal collision. Its bitter and invidious spirit was not in the least disguised by a few exaggerated compliments adroitly inserted here and there: these merely furnish the foil needed to give greater potency and efficiency to the personal insinuations, and, like Mark Antony's compliments to Cæsar's assassins, subserved quite too many politic purposes to be accepted as sincere. Only a native of Boeotia could be imposed upon by them, when the actual character of the book in question was carefully misrepresented, and when the self-evident trend, tenor, and aim of the ostensible review were to excite public prejudice against the author on grounds wholly irrespective of the truth or untruth of his expressed opinions.

Of course, the very largest liberty must be and should be conceded to legitimate criticism. From this, as is well known, I never shrank in the least; on the contrary, I court it, and desire nothing better for my books, provided only that the criticism be pertinent, intelligent, and fair. But misrepresentation for the purpose of detraction is not criticism at all; and (notwithstanding numerous quotations perverted by unfair and misleading glosses, including two misquotations quite too useful to be accidental) this ostensible review is, from beginning to end, nothing but misrepresentation for the purpose of detraction. Passing over numerous minor instances, permit me to invite your attention to three gross instances of such misrepresentation.

## II.

The book under review had taken the utmost pains (pages 16-39, especially page 39) to distinguish "realism" from "idealism," and to argue for the former in opposition to the latter, on the ground of the absolute incompatibility of the latter with the scientific method of investigation. It had taken the utmost pains to make the contrast broad and deep, and to point out its far-reaching consequences by explicitly opposing (1) scientific realism to philosophical idealism in general, and in particular (2) constructive realism to constructive idealism, (3) critical realism to critical idealism, (4) ethical realism to ethical idealism, and (5) religious realism to religious idealism. Any fair or honorable critic would recognize this contrast and opposition between realism and idealism as the very foundation of the work he was criticising, and would at least state it candidly, as the foundation of his own favorable or unfavorable comments. How did Dr. Royce treat it? He not only absolutely ignored it, not only said nothing whatever about it, but actually took pains to put the reader on a false scent at the start, by assuring him (without the least discussion of this all-important point) that my philosophical conclusions are "essentially idealistic"!

So gross a misrepresentation as this might be charitably attributed to critical incapacity of some sort, if it did not so very conveniently pave the way for the second gross misrepresentation which was to follow: namely, that the theory actually propounded in my book had been, in fact, "*appropriated*" and "*borrowed*" from an *idealist*! The immense utility of misrepresenting my system at the start as "essentially idealistic" lay in the fact that, by adopting this stratagem, Dr. Royce could escape altogether the formidable necessity of *first arguing*

*the main question of idealism versus realism.* Secretly conscious of his own inability to handle that question, to refute my "Soliloquy of the Self-Consistent Idealist," or to overthrow my demonstration that consistent idealism leads logically to hopeless absurdity at last, Dr. Royce found it infinitely easier to deceive his uninformed readers by a bold assertion that I myself am an idealist at bottom. This assertion, swallowed without suspicion of its absolute untruth, would render it plausible and quite credible to assert, next, that I had actually "appropriated" my philosophy from a greater idealist than myself.

For the only substantial criticism of the book made by Dr. Royce is that I "borrowed" my whole theory of universals from Hegel--"unconsciously," he has the caution to say; but that qualification does not in the least mitigate the mischievous intention and effect of his accusation as a glaring falsification of fact and artful misdescription of my work. It would be inopportune and discourteous to weary you with philosophical discussions. I exposed the amazing absurdity of Dr. Royce's accusation of plagiarism in the reply to his article which, as appears below, Dr. Royce himself anxiously suppressed, and which I should now submit to you, if he had not at last taken fright and served upon me a legal protest against its circulation. But, to any well-educated man, such an accusation as this refutes itself. It would be just as reasonable, just as plausible, to accuse Darwin of having borrowed his theory of natural selection from Agassiz, or Daniel Webster of having borrowed his theory of the inseparable Union from John C. Calhoun, or ex-President Cleveland of having borrowed his message on tariff reform from the Home Market Club, as to accuse me of having borrowed my theory of universals from Hegel. Hegel's theory of universals is divided from mine by the whole vast chasm between realism and idealism. The two theories contradict each other absolutely, uncompromisingly, irreconcilably: Hegel's is a theory of "absolute idealism" or "pure thought" (*reines Denken*), that is, of *thought absolutely independent of experience*, while mine is a theory of "scientific realism," that is, of *thought absolutely dependent upon experience*. It is quite immaterial here which theory is the true one; the only point involved at present is that the two theories flatly contradict each other, and that it is self-evidently impossible that either *could* be "borrowed," consciously or unconsciously, from the other. If Dr. Royce had ever done any hard thinking on the theory of universals, or if he had the slightest comprehension of the problems it involves, he would never have been so rash as to charge me with "borrowing" my theory from Hegel, and thus to commit himself irrevocably to a defence of the absurd; but eagerness to accuse another has betrayed him into a position whence it is impossible for him to escape with honor. Solely by misdescribing my philosophy as "essentially idealistic" when it openly and constantly and emphatically avows itself to be essentially realistic, could Dr. Royce give the faintest color of plausibility to his monstrous and supremely ridiculous accusation of plagiarism; solely by presuming upon the public ignorance both of Hegel and of my own work could he dare to publish such an accusation to the world. These gross misrepresentations, however, he did not hesitate to make, since they were necessary in order to pave the way to a third and still grosser misrepresentation on which he apparently had set his heart: namely, that, after borrowing the whole substance of my philosophy from Hegel, I have been guilty of making "vast and extravagant pretensions" as to my own "novelty," "originality," and "profundity," not only with regard to my published books, but also with regard to my "still unpublished system of philosophy." His words are these:--

"Of novelty, good or bad, the book contains, indeed, despite its vast pretensions, hardly a sign."

"It is due also to the extravagant pretensions which he frequently makes of late as to the originality and profundity of his still unpublished system of philosophy, to give the reader some hint of what so far appears to be the nature of our author's contributions to philosophical reflection."

Precisely what have been these alleged "pretensions"? Dr. Royce cites only three instances.

I. He first garbles a sentence in the prefatory Note to "The Way out of Agnosticism," by quoting only one phrase from it. The sentence in full is this: "By a wholly new line of reasoning, drawn exclusively from those sources [science and philosophy], this book aims to show that, in order to refute agnosticism and establish enlightened theism, nothing is now necessary but to philosophize that very scientific method which agnosticism barbarously misunderstands and misuses." There is no "pretension" whatever in these words,

except that the general "line of reasoning" set forth in the book is, *as a whole*, different from that of other books. If not, why publish it? Or, without the same cause, why publish any book? I see no reason to recall or to modify this perfectly true statement; Dr. Royce, at least, has shown none. The "novelty" of the book lies in its very attempt to evolve philosophy as a whole out of the scientific method itself, as "observation, hypothesis, and experimental verification," by developing the theory of universals which is implicit in that purely experiential method; and Dr. Royce does not even try to prove that Hegel, or anybody else, has ever made just such an attempt as that. Unless there can be shown somewhere a *parallel attempt*, the statement is as undeniably true as it is certainly unpretentious.

II. Next, Dr. Royce extracts these sentences from the body of the book (I supply in brackets words which he omitted): "The first great task of philosophy is to lay deep and solid foundations for the expansion [and ideal perfection] of human knowledge in a bold, new, and true theory of universals. For so-called modern philosophy rests complacently in a theory of universals which is thoroughly mediæval or antiquated." What personal pretension, even of the mildest sort, can be conceived to lurk in these innocent words? I did not say that I have succeeded in performing that "task"; I repeat now what I have often said and what I meant then; namely, that modern science has unawares performed it already, that I have faithfully tried to formulate and further apply what science has done, and that I respectfully submit the result (so far as already published), not to such critics as Dr. Royce, but to able, learned, and magnanimous students of philosophy everywhere.

III. Lastly, though employing quotation marks so as to evade a charge of formal misquotation, he perverts and effectually misquotes a sentence of the book in a way which makes it appear exactly what it is not,—"pretentious." I had said at the end of my own book (page 75): "*Its aim has been to show the way out of agnosticism into the sunlight of the predestined philosophy of science.*" This expression is perfectly in harmony with the prefatory Note, which says that "*this book aims to show that, in order to refute agnosticism and establish enlightened theism, nothing is now necessary but to philosophize that very scientific method which agnosticism barbarously misunderstands and misuses,*" and which immediately adds: "*Of the success of the perhaps unwise attempt to show this in so small a compass, the educated public must be the judge.*" Most certainly, there is no "pretension" in this modest and carefully guarded avowal of the simple aim of my book. But Dr. Royce twists this modest avowal into a barefaced boast, and injuriously misquotes me to his own readers thus: "At the conclusion of the book, we learn that *we have been shown* 'the way out of agnosticism into the sunlight of the predestined philosophy of science.'" Gentlemen, I request you to compare thoughtfully the expressions which I have here italicized, and then decide for yourselves whether this injurious misquotation is purely accidental, or, in view of Dr. Royce's purpose of proving me guilty of "vast pretensions," quite too useful to be purely accidental.

IV. But Dr. Royce does not content himself with quoting or misquoting what I have published, for the self-evident reason that what I have published is not sufficiently "pretentious" for his purpose. Disinterested anxiety for the public welfare, and tender sorrow over the "harm to careful inquiry" which my book is doing by "getting influence over immature or imperfectly trained minds," constrain him to accuse me of "frequently making of late extravagant pretensions as to the originality and profundity" of my "still unpublished system of philosophy."

Precisely what have been these "extravagant pretensions"? Simply these:--

In the preface to "Scientific Theism," I said of that book: "It is a mere *résumé* of a small portion of a comprehensive philosophical system, so far as I have been able to work it out under most distracting, discouraging, and unpropitious circumstances of many years; and for this reason I must beg some indulgence for the unavoidable incompleteness of my work."

Enumerating some reasons why I hesitated to begin the series of papers afterwards published as "The Way out of Agnosticism," I said, in the first of these papers: "First and foremost, perhaps, is the fact that, although the ground-plan of this theory is already thoroughly matured, the literary execution of it is as yet scarcely even

begun, and from want of opportunity may never be completed; and it seems almost absurd to present the abridgment of a work which does not yet exist to be abridged."

Finally, in an address printed in the "Unitarian Review" for December, 1889, I said: "Without advancing any personal claim whatever, permit me to take advantage of your indulgent kindness, and to make here the first public confession of certain painfully matured results of thirty years' thinking, which, in the momentous and arduous enterprise of developing a scientific theology out of the scientific method itself, appear to be principles of cosmical import.... Perhaps I can make them intelligible, as a contribution to that 'Unitary Science' which the great Agassiz foresaw and foretold." In a postscript to this address I added: "For fuller support of the position taken above, I am constrained to refer ... to a large treatise, now in process of preparation, which aims to rethink philosophy as a whole in the light of modern science and under the form of a natural development of the scientific method itself."

What remotest allusion to my own "originality" is contained in these passages, or what remotest allusion to my own "profundity"? What "pretension" of any sort is here made, whether "extravagant" or moderate? Yet this is the only actual evidence, *and the whole of it*, on which Dr. Royce dares to accuse me of "frequently making of late extravagant pretensions as to the originality and profundity of my still unpublished system of philosophy"! The pure absurdity of such an accusation reveals itself in the very statement of it. Dr. Royce is referring here, be it understood, not to my published books, but to my "unpublished system of philosophy." *How does he know anything about it?* I certainly have never shown him my unpublished manuscript, and beyond those published allusions to it he possesses absolutely no means whatever of knowing anything about its contents. Nothing, surely, except full and exact knowledge, derived from careful and patient personal examination of that manuscript, could possibly be a ground of just judgment of its character. How, then, in absolute ignorance of its character and contents, could any fair man hazard any public verdict upon it? Yet Dr. Royce not only accuses me of making "pretensions" about it which I never made, but dares to characterize them as "extravagant," when, *for all he knows*, they might (if made) fall far short of the truth. Whether in this case the evidence supports the accusation, and whether the conscience which permits the making of such an accusation on such evidence is itself such a conscience as you expect to find in your appointees,--these, gentlemen, are questions for you yourselves to decide.

### III.

These three connected and logically affiliated *misstatements of fact*--namely, (1) that my philosophy is "essentially idealistic," (2) that it has been "appropriated" and "unconsciously borrowed" from the idealist Hegel, and (3) that I have frequently made "extravagant pretensions as to the originality and profundity" of this merely "borrowed" and "appropriated" philosophy--constitute in their totality a regular system of gross and studied misrepresentation, as methodical and coherent as it is unscrupulous. It is not "fair criticism"; it is not "criticism" at all; and I do not hesitate to characterize it deliberately as a disgrace both to Harvard University and to American scholarship.

Yet, gross and studied and systematic as this misrepresentation is, I should have passed it over in silence, precisely as I did pass over a similar attack by Dr. Royce on my earlier book in "Science" for April 9, 1886, were it not that, perhaps emboldened by former impunity, he now makes his misrepresentations culminate in the perpetration of a literary outrage, to which, I am persuaded, no parallel can be found in the history of polite literature. It is clear that forbearance must have somewhere its limit. The commands of self-respect and of civic conscience, the duty which every citizen owes to his fellow-citizens not to permit the fundamental rights of all to be unlimitedly violated in his own person, must at last set a bound to forbearance itself, and compel to self-defence. These are the reasons which, after patient exhaustion of every milder means of redress, have moved me to this public appeal.

Dr. Royce's misstatements of fact, so elaborately fashioned and so ingeniously mortised together, were merely his foundation for a deliberate and formal "professional warning to the liberal-minded public" against my

alleged "philosophical pretensions." The device of attributing to me extravagant but groundless "pretensions" to "originality" and "profundity"--since he is unable to cite a single passage in which I ever used such expressions of myself--was probably suggested to him by the "Press Notices of 'Scientific Theism,'" printed as a publishers' advertisement of my former book at the end of the book which lay before him. These "Press Notices," as usual, contain numerous extracts from eulogistic reviews, in which, curiously enough, these very words, "original" and "profound," or their equivalents, occur with sufficient frequency to explain Dr. Royce's choleric unhappiness. For instance, Dr. James Freeman Clarke wrote in the "Unitarian Review": "If every position taken by Dr. Abbot cannot be maintained, his book remains an original contribution to philosophy of a high order and of great value"; M. Renouvier, in "La Critique Philosophique," classed the book among "de remarquables efforts de construction métaphysique et morale dus à des penseurs indépendants et profonds"; and M. Carrau, in explaining why he added to his critical history of "Religious Philosophy in England" a chapter of twenty pages on my own system, actually introduced both of the words which, when thus applied, jar so painfully on Dr. Royce's nerves: "La pensée de M. Abbot m'a paru assez profonde et assez originale pour mériter d'être reproduite littéralement." (La Philosophie Religieuse en Angleterre. Par Ludovic Carrau, Directeur des Conférences de philosophie à la Faculté des lettres de Paris. Paris, 1888.) These extracts, be it remembered, were all printed at the end of the book which Dr. Royce was reviewing. Now he had an undoubted right to think and to say that such encomiums as these on my work were silly, extravagant, preposterous, and totally undeserved; but *to take them out of the mouth of others and put them into mine was wilful and deliberate calumny*. Systematic and calumnious misrepresentation is the sole foundation of the "professional warning" in which Dr. Royce's ostensible review culminates, and which is too extraordinary not to be quoted here in full:--

"And so, finally, after this somewhat detailed study of Dr. Abbot's little book, I feel constrained to repeat my judgment as above. Results in philosophy are one thing; a careful way of thinking is another. Babies and sucklings often get very magnificent results. It is not the office of philosophy to outdo the babes and sucklings at their own business of receiving revelations. It is the office of philosophy to undertake a serious scrutiny of the presuppositions of human belief. Hence the importance of the careful way of thinking in philosophy. But Dr. Abbot's way is not careful, is not novel, and, when thus set forth to the people as new and bold and American, it is likely to do precisely as much harm to careful inquiry as it gets influence over immature or imperfectly trained minds. I venture, therefore, to speak plainly, by way of a professional warning to the liberal-minded public concerning Dr. Abbot's philosophical pretensions. And my warning takes the form of saying that, if people are to think in this confused way, unconsciously borrowing from a great speculator like Hegel, and then depriving the borrowed conception of the peculiar subtlety of statement that made it useful in its place,--and if we readers are for our part to accept such scholasticism as is found in Dr. Abbot's concluding sections as at all resembling philosophy,--then it were far better for the world that no reflective thinking whatever should be done. If we can't improve on what God has already put into the mouth of the babes and sucklings, let us at all events make some other use of our wisdom and prudence than in setting forth the American theory of what has been in large part hidden from us."

Gentlemen, I deny sweepingly the whole groundwork of cunning and amazing misrepresentation on which this unparalleled tirade is founded.

I. I deny that my philosophy is "essentially idealistic," or that any "careful" or conscientious scholar could possibly affirm it to be such.

II. I deny that I "borrowed" my realistic theory of universals from the idealist, Hegel, whether consciously or unconsciously. The charge is unspeakably silly. Realism and idealism contradict each other more absolutely than protectionism and free-trade.

III. I deny that I ever made the "philosophical pretensions" which Dr. Royce calumniously imputes to me. But, if I had made pretensions as high as the Himalayas, I deny his authority to post me publicly--to act as policeman in the republic of letters and to collar me on that account. A college professor who thus mistakes

his academic gown for the policeman's uniform, and dares to use his private walking-stick for the policeman's bludgeon, is likely to find himself suddenly prostrated by a return blow, arrested for assault and battery, and unceremoniously hustled off into a cell, by the officer whose function he has injudiciously aped without waiting for the tiresome but quite indispensable little preliminary of first securing a regular commission.

IV. Most of all, I deny Dr. Royce's self-assumed right to club every philosopher whose reasoning he can neither refute nor understand. I deny, in general, that any Harvard professor has the right to fulminate a "professional warning" *against anybody*; and, in particular, that you, gentlemen, ever voted or intended to invest Dr. Royce with that right. He himself now publicly puts forth a worse than "extravagant pretension" when he arrogates to himself this right of literary outrage. He was not appointed professor by you for any such unseemly purpose. To arrogate to himself a senseless "professional" superiority over all non-"professional" authors, to the insufferable extent of publicly posting and placarding them for a mere difference of opinion, is, from a moral point of view, scandalously to abuse his academical position, to compromise the dignity of Harvard University, to draw down universal contempt upon the "profession" which he prostitutes to the uses of mere professional jealousy or literary rivalry, and to degrade the honorable office of professor in the eyes of all who understand that a weak argument is not strengthened, and a false accusation is not justified, by throwing "professional warnings" as a make-weight into the scales of reason. I affirm emphatically that no professor has a moral right to treat anybody with this undisguised "insolence of office," or to use any weapon but reason in order to put down what he conceives to be errors in philosophy. In the present case, I deny that Dr. Royce has any better or stronger claim than myself to speak "professionally" on philosophical questions. The very book against which he presumes to warn the public "professionally" is founded upon lectures which I myself "professionally" delivered, not only from Dr. Royce's own desk and to Dr. Royce's own college class, but as a substitute for Dr. Royce himself, at the request and by the appointment of his own superiors, the Corporation and Overseers of his own University; and the singular impropriety (to use no stronger word) of his "professional warning" will be apparent to every one in the light of that fact.

IV.

So far I have treated Dr. Royce's attack solely from the literary and ethical points of view. The legal point of view must now be considered.

Plagiarism, conscious or unconscious, is a very grave and serious charge to bring against an author, and one which may entail upon him, not only great damage to his literary reputation, but also social disgrace and pecuniary loss. If proved, or even if widely believed without proof, it cannot but ruin his literary career and destroy the marketable value of his books; and it matters little, so far as these practical results are concerned, whether the plagiarism attributed to him is conscious or unconscious. In an able editorial article on "Law and Theft," published in the New York "Nation" of Feb. 12, 1891, it is forcibly said: "Authors or writers who do this [borrowing other men's ideas] a good deal, undoubtedly incur discredit by it with their fellows and the general public. It greatly damages a writer's fame to be rightfully accused of want of originality, or of imitation, or of getting materials at second hand. But no one has ever proposed to punish or restrain this sort of misappropriation by law. No one has ever contended for the infliction on the purloiners of other men's ideas of any penalty but ridicule or disgrace." Whoever *wrongfully* accuses an author of plagiarism, then, holds him up *undeservedly* to "discredit, ridicule, or disgrace," and "slanders his title" to the product of his own brain. This is contrary to the law. Yet this is precisely what Dr. Royce has done in accusing me *falsely*, and as a "*certain*" *matter of fact*, of borrowing my theory of universals from Hegel. His accusation is made with as many sneers and as much insult as could well be compressed into the space:--

"Dr. Abbot is hopelessly unhistorical in his consciousness. His 'American theory of universals' is so far from being either his own or a product of America that in this book he continually has to use, in expounding it, one of the most characteristic and familiar of Hegel's technical terms, namely, 'concrete,' in that sense in which it is applied to the objective and universal 'genus.' Dr. Abbot's appropriation of Hegel's peculiar terminology comes ill indeed from one who talks," *etc.* "This I say not to defend Hegel, for whose elaborate theory of



universals I hold in no wise a brief, but simply in the cause of literary property-rights. When we plough with another man's heifer, however unconscious we are of our appropriation, however sincerely we seem to remember that we alone raised her from her earliest calthood, it is yet in vain, after all, that we put our brand on her, or call her 'American.'... Now Hegel's whole theory may be false; but what is certain is that Dr. Abbot, who has all his life been working in an atmosphere where Hegelian ideas were more or less infectious, has derived his whole theory of universals, so far as he has yet revealed it with any coherency, from Hegelian sources, and even now cannot suggest any better terminology than Hegel's for an important portion of the doctrine. Yet in the volume before us we find all this pretentious speech of an 'American' theory, and discover our author wholly unaware that he is sinning against the most obvious demands of literary property-rights."

Passing over the self-evident point that whoever is "*unaware* that he is sinning" cannot be "sinning" at all, since "sinning" consists in *being aware* of the wrong we do,--and, consequently, that Dr. Royce comes here as near as he dares to a direct insinuation that my plagiarism is conscious, and not "unconscious,"--let me call your attention to the more important point, that Dr. Royce affirms my conscious or unconscious theft from Hegel as a matter of "*certain*" *fact*, not merely as a matter of *probable inference*. Yet the only evidence he has to offer in support of this "certainty" is (1) that I use the word "concrete" in the same sense as Hegel, and (2) that I have worked all my life in a Hegelian "atmosphere." These two points cover all the grounds of his accusation. Permit me very briefly to examine them.

(1) The word "concrete" is not in the least a technical term copyrighted by Hegel, nor is it his trademark. It is one of the commonest of words, and free to all. But what sort of a reasoner is he who infers the identity of two whole complex theories from their coincidence in the use of only a single word? Even this poor and solitary little premise slips out of Dr. Royce's clutch, for Hegel's use of the word is *contradictory to mine*! Hegel has to put upon the word "concrete" a very unusual, strained, and artificial sense, in order to cover up the weakest point of his idealistic system. He explains it, however, frankly, clearly, and unambiguously: "The Concept or Notion (*Begriff*) may be always called 'abstract,' if the term 'concrete' must be limited to the mere concrete of sensation and immediate perception; the Notion as such cannot be grasped by the hands, and, when we deal with it, eyes and ears are out of the question. Yet, as was said before, the Notion is the only true concrete." (*Encyklopädie, Werke*, VI. 316.) Again: "Just as little is the sensuous-concrete of Intuition a rational-concrete of the Idea." (*Ibid.*, *Werke*, VI. 404.) A score of similar passages can easily be cited. That is to say, Hegel avowedly excludes from his *idealistic* theory of universals the "concrete" of sensation, perception, intuition, or *real experience*, and admits into it only the "concrete" of *pure or non-empirical thought*; while I avowedly exclude from my *realistic* theory of universals the "concrete" of *pure thought*, and admit into it only the "concrete" of *real experience*. Hegel's "concrete" cannot be seen, heard, or touched; while to me nothing which cannot be seen, heard, or touched is "concrete" at all. A mere common school education is quite sufficient for comprehension of the contradictoriness of these two uses of the word. Yet, in order to found a malicious charge of plagiarism, Dr. Royce has the hardihood to assure the uninformed general public that Hegel and I use the word "concrete" in one and the same sense!

(2) The assertion that I have lived all my life in a Hegelian "atmosphere" I can only meet with a short, sharp, and indignant denial. I know of no such "atmosphere" in all America; if it anywhere exists, I certainly never lived, moved, or worked in it. The statement is a gratuitous, impertinent, and *totally false allegation of fact*, wholly outside of my book and its contents, and is used in this connection solely to feather an arrow shot at my reputation; it is a pure invention, a manufactured assertion which is absolutely without foundation, and, when thus artfully thrown out with apparent artlessness (*ars celare artem*) as itself foundation for a false and malicious charge of plagiarism, it becomes fabrication of evidence for the purpose of defamation. The less said about such an offence as that, the better for Dr. Royce, and I spare him the comment it deserves.

Now, while it might be "fair criticism" *to infer* my plagiarism from Hegel, if there were only some reasonable or even merely plausible evidence to support the inference (which I have just proved not to be the case), it is incontestable that *to affirm* this plagiarism, as a "certain" matter of fact, without any reasonable evidence at all, is not that "fair criticism" which the law justly allows, but, on the contrary, a totally unjustifiable libel. In

accusing me personally of plagiarism on no reasonable grounds whatever, as I have just unanswerably proved him to have done, and in making the "certainty" of the plagiarism depend upon an allegation of fact wholly independent of the book which he professed to be criticising (namely, the false allegation that I have worked all my life in a Hegelian "atmosphere"), Dr. Royce has beyond all controversy transgressed the legally defined limits of "fair criticism," and become a libeller.

But this is by no means all. If the bat-like accusation of an "unconscious", yet "sinning" (or sinful) plagiarism hovers ambiguously between attacking my literary reputation and attacking my moral character, there is no such ambiguity hanging about the accusation of "extravagant pretensions as to the originality and profundity of my still unpublished system of philosophy." A decent modesty, a self-respectful reserve, a manly humility in presence of the unattainable ideal of either moral or intellectual perfection, a speechless reverence in the presence of either infinite goodness or infinite truth,—these are virtues which belong to the very warp and woof of all noble, elevated, and justly estimable character; and wherever their absence is conspicuously shown, there is just ground for moral condemnation and the contempt of mankind. Dr. Royce has not scrupled to accuse me of making, not only "pretensions," but even "extravagant pretensions," which are absolutely incompatible with the possession of these beautiful and essential virtues, and thereby to hold me up to universal contempt and derision. He has done this, by the very terms of his accusation, absolutely and confessedly *without cause*; for the system of philosophy which is "unpublished" to others is no less "unpublished" to him, and an accusation thus made confessedly without any knowledge of its truth is, on the very face of it, an accusation which is as malicious as it is groundless. To make such a self-proved and self-condemned accusation as this is, I submit, to be guilty of libel with no ordinary degree of culpability.

But the libel of which I have greatest cause to complain is not confined to exceptional or isolated expressions. These might charitably be explained as mere momentary ebullitions of pettishness or spleen, and pardonable as merely faults of temper in a criticism which was in the main conscientious and fair. But the libel of which I complain most of all is one that constitutes the entire ground and framework of the article *as a whole*. Every part of it is methodically spun and interwoven with every other part, in such a way as to make it one seamless tissue of libel from beginning to end. This I say in full consciousness of the interspersed occasional compliments, since these have only the effect of disguising the libellous intent of the whole from a simple-minded or careless reader, and since they subserve the purpose of furnishing to the writer a plausible and ready-made defence of his libel against a foreseen protest. Compliments to eke out a libel are merely insults in masquerade. The libellous plan of the article as a whole is shown in the *regular system* of gross and studied misrepresentation, of logically connected and nicely dovetailed misstatements of facts, which I exposed at the outset. Every intelligent reader of my two books is perfectly aware that they are both devoted to an exposition of the fundamental and irreconcilable conflict between philosophical idealism and scientific realism, and to a defence of the latter against the former, as the only possible method by which a spiritual theism can be intellectually, and therefore successfully, defended in this age of science. Only one who has read and digested the two books can fully appreciate the enormity and the unscrupulousness of the initial misrepresentation, slipped in, as it were, quite casually, and without any argument, in the apparently incidental and matter-of-course statement that my "conclusion" is "essentially idealistic." It is *not* "idealistic" at all, but as radically realistic as the premises themselves; and no professor of philosophy could ever have called it "idealistic" by a mere slip of the tongue or pen. The intelligent origin of this misrepresentation is clearly enough suggested in the use to which it is at once put: namely, to render plausible the otherwise ridiculous charge that my theory of universals was "borrowed" from an idealist. Next, the same origin is more than suggested by the use to which these two misrepresentations together are put: namely, to show that any claim of "novelty" for a merely "borrowed" philosophy is a "vast" and "extravagant pretension." Lastly, the same origin is inductively and conclusively proved, when these three inter-linked misrepresentations, as a whole, are made the general foundation for a brutal "professional warning" to the public at large against my "philosophical pretensions" in general. Not one of these fundamental positions of Dr. Royce's article is a fact,—least of all, an "admitted fact"; on the contrary, each of them is energetically and indignantly denied. But the libel of which I complain above all is the *regular system* of gross and studied misrepresentation by which the most essential facts are first misstated and falsified, and then used to the injury of my literary and

personal reputation.

It may, I trust, be permitted to me here to show clearly what the law is, as applicable to the case in hand, by a few pertinent citations.

"The critic must confine himself to criticism, and not make it the veil for personal censure, nor allow himself to run into reckless and unfair attacks, merely from the love of exercising his power of denunciation. Criticism and comment on well-known and admitted facts are very different things from the assertion of unsubstantiated facts. A fair and *bona fide* comment on a matter of public interest is an excuse of what would otherwise be a defamatory publication. The statement of this rule assumes the matters of fact commented on to be somehow ascertained. It does not mean that a man may invent facts, and comment on the facts so invented in what would be a fair and *bona fide* manner, on the supposition that the facts were true. If the facts as a comment upon which the publication is sought to be excused do not exist, the foundation fails.... The distinction cannot be too clearly borne in mind between comment or criticism and allegations of fact.... To state matters which are libellous is not comment or criticism." (*Newell on Defamation, Slander, and Libel*, p. 568.) Applying this to the case in hand: the "admitted facts" are these: (1) my philosophy is realistic from beginning to end; (2) I have not worked all my life, nor any part of my life, in a Hegelian "atmosphere"; (3) I did not borrow my theory of universals from Hegel; (4) I have made no vast or extravagant pretensions whatever as to my own philosophy. But Dr. Royce invents and states the exact opposite of all these facts, and then bases on these purely invented facts most undeserved "personal censure" and most "reckless and unfair attacks." Therefore, his article is a libel in its whole groundwork and essential spirit.

"If a person, under pretence of criticising a literary work, defames the private character of the author, and, instead of writing in the spirit and for the purpose of fair and candid discussion, travels into collateral matter, and introduces facts not stated in the work, accompanied with injurious comment upon them, such person is a libeller, and liable to an action." (*Broom's Legal Maxims*, p. 320.) Applying this to the case in hand: Dr. Royce "defames" my "private character," when he accuses me of "frequently" indulging in "extravagant pretensions"; he "travels into collateral matter," when he alludes at all to my unpublished manuscript; he "introduces facts not stated in the work, accompanied with injurious comment upon them," when he alludes to this unpublished manuscript for the sole purpose of saying (untruthfully) that I "frequently make, of late, extravagant pretensions as to its originality and profundity," and again when he says that I have worked all my life in a Hegelian "atmosphere," for the sole purpose of founding upon this false statement a false charge of plagiarism.

In the "Griffith Gaunt" case, Judge Clerke said in his charge to the jury: "The interests of literature and science require that the productions of authors shall be subject to fair criticism,—that even some animadversion may be permitted, unless it appears that the critic, under the pretext of reviewing his book, takes an opportunity of attacking the character of the author, and of holding him up as an object of ridicule, hatred, or contempt. In other words, the critic may say what he pleases of the literary merits or demerits of the published production of an author; but, with respect to his personal rights relating to his reputation, the critic has no more privilege than any other person not assuming the business of criticism." (*Abbott's Practice Reports*, New Series, VI. 18.) Applying this to the case in hand: Dr. Royce, "under the pretext of reviewing" my "book, takes an opportunity of attacking the author, and of holding him up as an object of ridicule and contempt," if ridicule and contempt are the deservedly universal punishment of the plagiarist and the braggart. To so unprecedented a length has he carried this attack, as deliberately and formally, in the name of his "profession," and therefore, by necessary implication, in the name of Harvard University itself, to "warn the liberal-minded public" against me, *precisely as one warns the general public against an impostor soliciting alms under false pretences!* This is a flagrant violation of my "personal rights relating to my reputation"; and, therefore, according to the above judicial ruling of an American court, Dr. Royce is guilty of wanton and unprovoked libel against one who never injured him in the slightest degree.

In the case of *Strauss versus Francis*, Chief Justice Cockburn said: "The question is as to the article as a

whole.... The verdict must be upon the article as a whole, and whether, as a whole, it is to be deemed malicious and libellous." (*Foster and Finlason's Reports*, IV. 1107.) Applying this to the case in hand: Dr. Royce's ostensible review presents its darkest, most odious, and most libellous aspect to him who most thoroughly, penetratingly, and comprehensively studies out the inner structure of its argument *as a whole*, and who most intelligently compares it with the book which it falsely professes to criticise fairly. Allow me to quote here a passage from page 39 of "the Way out of Agnosticism" in order simply to show you how uncompromisingly this passage, which sums up the entire results of the first half of the book and luminously forecasts the entire conclusion of the whole, plants my system on the side of Realism:--

"The scientific, modern, or American theory of universals, which results necessarily from analysis of the scientific method, is Scientific Realism, as opposed to Philosophical Idealism; and it determines the subdivision of scientific philosophy into its three great departments, the theories of Being, of Knowing, and of Doing. The scientific theory of Being results from analysis of the Genus-in-itself, and constitutes ontology or Constructive Realism, as opposed to all forms of Constructive Idealism. The scientific theory of Knowledge results from analysis of the Concept, and constitutes psychology or Critical Realism, as opposed to all forms of transcendental or Critical Idealism. The scientific theory of Conduct results from analysis of the Word, and constitutes anthroponomy (including ethics, politics, and art in its widest sense), sociology, or Ethical Realism, as opposed to all forms of Ethical Idealism. The scientific theory of the universe, as the absolute union of Being, Knowing, and Doing in the One and All, results from comprehension of these three theories in complete organic unity, and constitutes organic philosophy, scientific theology, or Religious Realism, as opposed to all forms of Religious Idealism."

I submit this long extract to you, gentlemen, not to bore you with metaphysical speculations, but simply to enable you, as educated men who understand the meaning of plain and straightforward English on any subject, to follow the twistings and turnings of an extraordinarily sinuous and disingenuous intellect, and intelligently to decide a question which needs here to be settled clearly in your own minds: could any competent professor of philosophy, undertaking to give, as a fair critic, a truthful account to the public of the contents of my book, read that passage, and then, omitting all reference to the contrast there and everywhere made between realism and idealism, honestly tell that public, without any further information at all on the subject, that the "conclusion" of my philosophy is "essentially idealistic"?

Yet that is the conscienceless misrepresentation with which Dr. Royce prepares the way for all that is to follow, deceives the reader at the very outset, predisposes him to believe the preposterous charge that I "appropriated" my main theory from the great idealist Hegel, arouses his indignation or mirth, as the case may be, at my alleged strutting about in borrowed plumes, and so leads him at last to applaud the righteous castigation of the "professional warning," by which the peacock-feathers are made to fly in all directions and I myself am scourged back among my brother-jackdaws, the impostors, charlatans, and quacks of myriad kinds. This is the purport and the spirit of Dr. Royce's ostensible review, "*as a whole*." Is it the "fair criticism" which the law allows? Or is it the "libel" which the law condemns? Is it the fair and critical judgment which your silence shall sanction, as Harvard's official verdict on my work? Or is it the libellous and vulgar abuse which your speech shall rebuke, as shaming Harvard more than me by bringing the ethics and manners of the literary Bedouin into the professor's chair?

V.

But, gentlemen, the gravest aspect of Dr. Royce's ostensible review remains still to be considered. Is libel--vulgar, violent, and brutal libel--the means by which Harvard University, represented by one of her professors of philosophy who openly claims to address the general public in the name of his office and of her, proposes to realize the lofty ideal of her President, and make herself the "philosophical pioneer" for each new generation in the pursuit of truth? Is this the welcome which she accords to serious, dignified, and not unscholarly works, giving the results, however partially and imperfectly wrought out, of patient and independent reflection for more than thirty years on the highest problems of human life and thought? Is this

the best sympathy and encouragement she has to offer to her own sons when they take up in earnest the task of helping her to realize her own ideal? Is this the attitude in which she confronts the great questions of the age, and the spirit which she aims to foster in her young men? I do not believe it; but you alone, gentlemen, can give the authoritative answer to such queries.

When civil service reformers plead the urgent necessity of political reform, they are irrelevantly charged by the adherents of the spoils system with being "hypocrites and pharisees." Precisely so, when I plead the urgent necessity of philosophical reform, I am irrelevantly charged by Dr. Royce, in effect, with being a false pretender, a plagiarist, and an impostor. The charge is just as true in one case as in the other. But, be the charge true or untrue, the attention of keen and candid minds is not to be diverted by this perfectly transparent device from the main point of reform.

What is this needed philosophical reform?

Briefly, *to substitute the scientific method for the idealistic method in philosophy*, as the only possible means, in this critical and sceptical age, of making ethics and religion so reasonable as to command the continued allegiance of reasonable minds. Unphilosophized science conceives the universe as nothing but a Machine-World; and in this conception there is no room for any Ethical Ideal. Unscientific philosophy conceives the universe as nothing but a Thought-World; and in this conception there is no room for any Mechanical Real. On the possibility of developing a scientific philosophy out of the scientific method itself must depend at last the only possibility, for reasonable men, of believing equally in the real principles of mechanical science and in the ideal principles of ethical science. To-day the greatest obstacle to such a reasonable belief is the "philosophical idealism" which directly contradicts it; and the greatest reform needed in modern thought, above all in the theory of ethics, is the substitution of the scientific method for the idealistic method in philosophy itself.

The cause of philosophical reform, indeed, cannot be long delayed by any Philistinism in those who, by their professional position, ought to be its most ardent friends. The method of science is destined to revolutionize philosophy--to modernize it by founding it anew upon a thoroughly realistic and scientific theory of universals. The net result of all the physical sciences thus far, the one fixed result to which all their other results steadily point with increasingly evident convergence, is that *the already known constitution of the real universe is that of the Machine*. This universal fixed result, and not mere individual self-consciousness, is the necessary and only beginning-point of a constructive philosophy of Nature; for, where the special sciences end, there universal philosophy must begin. It is the task of philosophy to-day to show that the unquestionably mechanical constitution of the universe, instead of being the ultimate boundary of scientific investigation, is merely the starting-point in a new series of investigations, no less scientific than those of physical science, but far more profound; and to show that the mechanical constitution itself, when deeply studied and comprehended, necessarily involves the organic and the personal constitutions. In this way, and I believe in no other way, can it be proved to the satisfaction of the modern intelligence that the Mechanical Real itself, at bottom, includes the Ethical Ideal--that the Moral Law, the Divine Ideal itself, is the innermost Fact of Nature. I have made, and make now, not the slightest personal "pretension"; but, finding in all my reading no outline of any such argument as this, and believing it to be fruitful of the very noblest results, I have done my best to point out its possibilities to other earnest searchers after truth. Not until this new field has been faithfully examined and explored and proved to be sterile, shall I cease to recommend it to the attention of all who would fain *see reason* to believe that the Ethical Ideal is no Unreality, but rather the innermost Reality of the real universe itself. I speak only to those who have souls to hear and to respond; let the rest listen to Dr. Royce, and be dupes of his "professional warning." But the cause of philosophical reform will not be stayed by him or by them: the world's heart is hungry for higher truth than idealism can discover, and will be grateful in the end to any philosophy which shall show what mighty moral conviction, what unspeakable spiritual invigoration, must needs grow out of comprehension of the despised Real.

These thoughts are not remote abstractions, up in the air, out of reach, of no practical value or application;

they touch the very life and soul of Harvard University. For want of such thoughts, many of the brightest and most intellectual of her students, graduates from the philosophical courses, go out year after year disbelieving totally in the possibility of arriving at any fundamental "truth" whatever, even in ethics. Several years ago, the then President of the Harvard "Philosophical Club" said in my hearing that he "saw no ground of moral obligation anywhere in the universe"; and this declaration was apparently assented to by every one of the fifteen or twenty members present. This very last summer, a recent graduate told me that he left college bewildered, depressed, and "disheartened," because he saw nowhere any ground of rational "conviction" about anything; and that it was "just the same with all the other fellows"--that is, all his companions in the study of philosophy. It is time, high time, that this state of things should be searchingly investigated in the interest of Harvard University itself, the facts determined, their causes ascertained. While such a state of things prevails, Harvard conspicuously fails to be a "philosophical pioneer" except in a distinctly retrograde direction--conspicuously fails to discharge the highest service which she owes to the world: namely, to send out her young graduates well armed beforehand for the battle of life with clear, strong, and lofty *moral convictions*. Whatever other causes may exist for the failure, one cause at least is certain--the self-proved and amazing inability of one of her professors of philosophy to give an honest or intelligent reception to a thoughtful, closely reasoned, and earnest plea for philosophical reform in this very direction, or to criticise it with anything better than irrelevant and unparliamentary personalities, studied and systematic misrepresentation both of the plea and of the pleader, and a demoralizing example of libel, so bitter and so extreme as to furnish abundant ground for prosecution.

## VI.

Here, gentlemen, you may very properly inquire: "Why do you not, then, prosecute Dr. Royce in the courts, instead of bringing the case before us?"

Briefly, because I have not yet exhausted those milder means of obtaining redress which it befits a peaceable and non-litigious citizen to employ before resorting to legal measures. You would have had just cause to complain of me, if I had precipitately prosecuted one of your professors for a "professional" attack without giving you previously an opportunity to discipline him in your own way, and in dignified recognition of your own ultimate responsibility. A prosecution may not, I trust will not, prove necessary; for I have neither malice nor vindictiveness to gratify, but only a resolute purpose to defend my reputation effectually against a malicious libel, and not to permit the libeller to set up a plausible claim that, by silence and passive submission, I "tacitly confess the justice of an official condemnation by Harvard University of my 'philosophical pretensions.'" Except for that one phrase, "professional warning," in Dr. Royce's attack, this appeal would never have been written, or the least notice taken of his intrinsically puerile "criticisms." When Mr. Herbert Spencer, whom I have more than once publicly criticised, can yet magnanimously write to me of this very book, "I do not see any probability that it will change my beliefs, yet I rejoice that the subject should be so well discussed,"--and Mr. William Ewart Gladstone, "I am very conscious of the force with which you handle the subject,"--and ex-President Noah Porter, "I thank you very sincerely for sending me a copy of your last book; I had already read it nearly twice, and found much in it very admirable and timely,"--I could very well afford to pass over Dr. Royce's ineffectual "criticisms" with indifference. But when he insinuates to the uninformed public that these same "criticisms" have the weighty sanction of Harvard University, it is quite another matter. That calls upon me to defend myself against so atrocious a calumny.

But even self-defence has its proprieties, and to these I scrupulously submit. The first step was to send a reply to the periodical which published the attack. This was sent. At first, Dr. Royce effusively agreed to its publication, and wrote a rejoinder to be published simultaneously with it. Later, in alarm, he procured its rejection, and, through legal counsel, served a formal notice upon me not to publish or to circulate it at all. The second step was to demand from Dr. Royce a specific retraction and apology; this he contemptuously refused. The third step was to appeal from the recalcitrant employee to the responsible employer, and to lay the case respectfully before the supreme representatives of Harvard University itself. This I now do, and it is entirely unnecessary to look any farther. But, in order to lay the case before you fully, it is incumbent upon me

to state the details of these proceedings with some minuteness, and I now proceed to unfold the extraordinary tale.

## VII.

Dr. Royce wound up his ostensible review with these words of bravado and of challenge: "*We must show no mercy,--as we ask none.*" This fierce flourish of trumpets I understood to be, at least, a fearless public pledge of a fair hearing in the "Journal of Ethics" of which he was one of the editors. Moreover, I conceived that a magazine expressly devoted to ethics would be ashamed not to practise the ethics which it preached--ashamed not to grant to the accused a freedom scrupulously made equal to that which it had already granted to the accuser. Lastly, I was averse to litigation, and desired to use no coarser weapon, even against a calumniator and libeller, than the sharp edge of reason itself.

Accordingly, I sought redress in the first instance from the "International Journal of Ethics." On January 21, I mailed to Mr. S. Burns Weston, the office editor, an article in reply to Dr. Royce's ostensible review, together with a letter in which I wrote: "I do not at all complain of your publishing Dr. Royce's original article, although it was a most malicious and slanderous one, and undertook (not to put too fine a point upon it) to post me publicly as a quack. If you do not deny my indefeasible right to be heard in self-defence in the same columns, I shall feel that I have no cause whatever to regard you or your committee as a party to the outrage, and shall entertain no feelings towards you or towards them other than such as are perfectly friendly. Let even slander and malice be heard, if truth shall be as free to reply." Pressing engagements had prevented me from writing the article in season for the January number of the "Journal of Ethics," but it was in ample season for the April number.

I sent it at last because I had full confidence in the soundness of what Thomas Jefferson said so well: "Truth and reason can maintain themselves without the aid of coercion, if left free to defend themselves. But then they must defend themselves. Eternal lies and sophisms on one side, and silence on the other, are too unequal."

The "International Journal of Ethics" is under the control of an "editorial committee" of eight, Dr. Felix Adler at the head and Dr. Royce at the end; the other six members live in Europe and have no share in the home management. Mr. Weston is not a member of the committee, has little editorial authority, and, in case of disagreement between the two American members, would, as he himself expressly and frankly informed me in answer to a direct question, obey implicitly the directions of Dr. Adler. To Dr. Adler, therefore, belongs the general and ultimate editorial responsibility, whether legal or moral, since, according to Mr. Weston's just quoted declaration, Dr. Adler alone has actual power either to procure or to prevent publication; while to Dr. Royce is assigned merely the special department of "theoretical ethics." Hence Dr. Adler and Dr. Royce were jointly responsible for the original libel, the latter for writing it, the former for publishing it; but Dr. Adler alone was editorially responsible for publishing or refusing to publish my reply to it. It was to Dr. Adler alone, as responsible editor-in-chief of the "Journal of Ethics," that I looked for publication of my defence, as the best possible reparation for the wrong done in publishing the libellous attack; and I looked to him with confidence for this partial and inadequate reparation, believing that, as head of the "ethical culture movement," he would be anxious to conduct the "Journal of Ethics" in accordance with the highest principles of justice, honor, and fair play.

To my astonishment and indignation, however, my manuscript, instead of being considered and finally passed upon by Dr. Adler, was forwarded by him or by his direction to Dr. Royce! The latter, getting wind of it, had "insisted" that it belonged to his department of "theoretical ethics," and "claimed the right" to *edit it with a rejoinder in the same issue*. Nothing could be conceived more unfair or more absurd. A libel had been published by Dr. Adler, and Dr. Adler sent the defence against this libel to be edited by the libeller himself! Protest was in vain. Dr. Adler denied his own moral responsibility, washed his hands of the whole affair, and even refused to enlighten himself as to his own duty (notwithstanding my urgent request that he should do so)

by taking counsel of some wise and able lawyer of his own acquaintance. Instead of doing this, he affected to consider my self-defence against a libel as merely a reply to an ordinary "book-criticism," made a few inquiries as to the "usual practice of journals" with reference to book-criticisms alone, turned my article over to Dr. Royce as one on "theoretical ethics," and permitted him to attach to it a rejoinder which reiterated the original libel with additions and improvements, but in which he took pains to say of my reply: "I may add that even now it does not occur to me to feel personally wounded, nor yet uneasy at Dr. Abbot's present warmth." These words have a peculiar interest with reference to his later legal notice against all publication or circulation of this very reply: his assumed or genuine pachydermatousness soon gave way to fearful apprehension of its effect upon the public mind.

In no sense whatever was my reply an article on "theoretical ethics." To what part of the "theory of ethics" belongs Dr. Royce's false personal accusation of "extravagant pretensions"? To what part of the "theory of ethics" belongs Dr. Royce's false personal accusation of "sinning against the most obvious demands of literary property-rights"? To what part of the "theory of ethics" belongs Dr. Royce's "professional warning" against pretensions which were never made? His false accusations and their false grounds were the main theme of my article, and they had nothing to do with "theoretical ethics," Dr. Adler and Dr. Royce to the contrary notwithstanding. Dr. Royce had no shadow of right to set up so preposterous a claim, and Dr. Adler had no shadow of right to yield to it, as he weakly did, thereby violating his own undeniable obligation, as editor-in-chief, to do his utmost to repair the wrong which he himself had done in publishing a libel. My article was avowedly nothing but a defence against this libel, and, as such, was necessarily addressed to the responsible editor of the "Journal of Ethics," not to the sub-editor of one of its special departments--most assuredly not to the libeller himself. The only fair and just course was to publish this defence alone by itself, precisely as the libel had been published alone by itself, and afterwards to allow Dr. Royce to follow it, if he pleased, with a rejoinder in the succeeding number. I made not the slightest objection to one rejoinder or a dozen rejoinders from him, provided the responsible editor held the balance true, accorded as fair a hearing to the accused as he had accorded to the accuser, and granted to each in turn an opportunity to plead his cause without interruption by the other. I asked no more than what Dr. Royce had already received--an opportunity to enjoy the undivided and undistracted attention of the audience for a limited time. He had had the ear of the public for six months. Could I not have it for three?

But I regret to say that considerations of equal justice seemed to have no weight whatever with Dr. Adler. Dr. Royce, despite his public pledge, was "asking for mercy," after all, and got from Dr. Adler all he asked for; I asked Dr. Adler for equity alone, and could not get even that. The sole concession made was that I might follow Dr. Royce's rejoinder with a second reply in the same number, thus closing the case with a last word for the defence.

To this last proposal, in order not to refuse a meagre measure of justice, I consented under protest. But the proof-sheets of Dr. Royce's rejoinder, to which I was to reply, did not reach me till March 18, and were accompanied with a notice from the "Journal of Ethics" that my reply must be mailed "within ten hours after receiving Royce's proof." This notice I answered as follows:--

"The proof of Royce's rejoinder, with your notes of the 16th and 17th, arrived this morning at 9 A.M. As I have had to be at my teaching till 3 P.M., it was obviously impossible to mail a reply by 7 P.M. Hence I telegraphed to you at once: '*I protest against the gross injustice of postponing my article, or of publishing this new attack without the last word you promised me. It is impossible to write this now [i. e., within the ten hours stipulated]. If you have any love of justice, publish my article now, and postpone the rejoinders to next issue.*' Nothing stands in the way of this, the only fair course, except Royce's insistence on his right to deprive me of the equality of treatment which I supposed he himself guaranteed in his--'as we ask none.' To hold back my reply to his libel for three months longer, merely because he is afraid to let it go forth without an attempt to break its force in the same number, would be disgracefully unjust in him and in the 'Journal.' His rejoinder is simply a fresh libel; there is nothing in it to which I cannot easily and effectually reply. But what *right* is there in refusing to me the opportunity of answering one libel at a time? Or in compelling me to be silent nine



months [from October to July], in order to save him from being silent three months [from April to July]? It will be a bitter comment on the sincerity of the 'ethical culture movement' to make so unethical a judgment in so grave a case as this."

But the April number of the "Journal of Ethics," nevertheless, was published without my article. The latter was all in type, and the proof-sheets had been corrected; nothing prevented its publication in April except (1) Dr. Royce's insistence that my reply to his first libel should *not be published at all without his second libel*, and (2) Dr. Adler's weak submission to this unjust and pusillanimous demand of his associate.

The whole matter was thus most inequitably postponed to the July number, primarily at Dr. Royce's instigation. But I now found that I was to be refused the freedom necessary to self-defence against the second libel--the same freedom already yielded in replying to the first. Now to answer a libel effectively requires the freedom, not of the parliament, but of the courts. A mere literary discussion admits of parliamentary freedom alone, and properly excludes all reflections upon personal character. But Dr. Royce had most unparliamentarily turned his ostensible review into a libel, and, contrary to all canons of literary discussion, had indulged himself in reflections upon my personal character as malicious as they were false. Now the only possible disproof of a libel is the proof that it *is* a libel,--that it is either untruthful, or malicious, or both; and, since a libel is both a civil injury and a criminal offence, the proof of its libellous character cannot be established without reflecting upon the personal character of the libeller. Hence Dr. Royce himself, by writing a libel, had self-evidently raised the question of his own personal character, and bound himself beforehand, by his own act, to submit with what grace he could to the necessary consequences of that act; and to seek to shield himself from these consequences, which he should have foreseen clearly and nerved himself to bear bravely, was only to incur the ridicule invited by a timorous man who first strikes another and then runs away. Dr. Adler, moreover, as the responsible editor of the "Journal of Ethics," had laid himself, by publishing Dr. Royce's libel, under the clear moral obligation of according to the accused the same freedom of the courts which he had already accorded to the accuser; and to seek to escape this moral obligation was to incur the censure invited by any one who assumes the editorial function without properly informing himself of the duties which it imposes with reference to third parties. Both the one and the other had estopped themselves from denying to the accused in self-defence the same freedom of the courts which they had granted to themselves as accusers in attack.

Notwithstanding these plain facts, Dr. Royce and Dr. Adler united in denying to me the necessary freedom of self-defence against the attack which they had united in making.

At first, Dr. Royce undertook to dictate to me beforehand the nature of my reply to his rejoinder, and sought to restrict it to the parliamentary freedom of a purely literary discussion. Ignoring the fact that he had himself rendered a purely literary discussion impossible by his own reflections upon personal character, he endeavored now to restrict my defence to a purely literary discussion of what, with amusing deficiency in the sense of humor, he considered to be his "criticisms"; whereas these pointless and ignorant criticisms had no importance whatever except as leading up to his "professional warning." The only object of a reply to his rejoinder was to expose its true character as a second libel, and thereby make plain to the dullest mind the outrage of his "professional warning." Evidently fearing this, and being anxious to prevent the exposure, he sent to me through Mr. Weston, who called upon me for the purpose on April 15, the following unspeakable document, apparently without a suspicion that it pricked the bubble of his previous iridescent pledge to "ask no mercy":--

MEMORANDUM OF APR. 13, 1891.

1. Dr. Abbot's article must be in Mr. Weston's hands in MS. by June 1, for issue in the July No., if possible.
2. This article must not exceed, in actual number of words, Prof. Royce's last rejoinder.

3. Prof. Royce is not to reply to the above article of Dr. Abbot before or simultaneously with its publication in the "Journal of Ethics"; and the controversy is thus to be closed in the "Journal" by Dr. Abbot.

4. Dr. Abbot's article is to be strictly a rejoinder, is not to raise essentially new issues, is not to assault any further his opponent's personal character, is to be parliamentary in form, and free from personally abusive language. Otherwise it is perfectly free as to plainness of speech.

5. Prof. Royce is to see this article at once, and before it goes to the printer.

6. Should Prof. Royce, after seeing the paper, object to the article as "*not in conformity with the conditions of No. 4 (above)*," then, but only then, the article is to be submitted, before publication, to the judgment of some impartial friend or friends of both the disputants, such friend or friends to be chosen as promptly as possible, and by agreement, and to arbitrate the question, "*Whether Dr. Abbot's final rejoinder is in conformity with the conditions of this present memorandum?*" The arbitrator or arbitrators may be any person or persons agreeable [*sic*] to the wishes of both the disputants, as determined in case the mentioned objection of Prof. Royce should be made, but not otherwise.

7. Should Prof. Royce *not* object to the article, or should he not formally object *on the grounds mentioned*, then the article of Dr. Abbot is to close the controversy in the "Journal of Ethics."

8. Should Dr. Abbot *not* accept the conditions of the present memorandum, he is at liberty to withdraw his paper, or else to let both the papers now in type appear as they are, at his pleasure.

[Signed] J. R.

It is difficult to conceive the state of mind in which so extraordinary a document as this could have originated. My answer to Dr. Royce's officious interference was a short and dry rejection *in toto*. Dr. Royce was not the responsible editor of the "Journal of Ethics," and had no power to dictate any conditions of publication whatever. That a libeller should actually presume to dictate to the libelled the terms of his defence, to demand that this defence should be submitted to himself in advance of publication for approval or disapproval, and, in case of disapproval, to invoke a board of referees for the sole purpose of enforcing his own arbitrary and preposterous "conditions,"--this was too exquisitely absurd. But there was method in the madness. The central aim of the "Memorandum" is clear on its face: namely, *to refuse the forensic freedom necessary to self-defence against a libel, and to concede only the parliamentary freedom proper to a purely literary discussion*. Since, however, the only object of my writing at all was to expose his rejoinder as a second libel, and since the central aim of the "Memorandum" was to defeat this very object, nothing could be plainer than this: that Dr. Royce, having been guilty of two unprovoked and malicious libels, now sought to prevent the exposure of his guilt by suppressing the necessary freedom of self-defence. For, I repeat, the only possible defence against a libel is to prove that it *is* a libel, and this cannot be done without reflecting upon the "personal character" of the libeller. It was no fault of mine that he had himself rendered a "parliamentary" discussion impossible; it was no fault of mine that he had made his own "personal character" the real point at issue; it was no fault of mine that he now betrayed his secret alarm, uttered a cry for "mercy," and convicted himself out of his own mouth, in his extraordinary and indescribable "Memorandum." That "Memorandum" tells the whole story.

On the failure of Dr. Royce's very injudicious attempt at dictation, Dr. Adler found himself compelled to assume the editorial power and responsibility, which he ought to have assumed and exercised in the first instance by refusing publication to Dr. Royce's original libel. But, yielding to Dr. Royce's influence, he took the same position, and still tried to shield the libeller from the just and lawful consequences of his libel. No principle is more firmly established in the public conscience, as interpreted by the common law, than that the fact of an attack by A involves the right of self-defence by B. Whoever, therefore, has permitted an attack which he might have prevented is bound to permit the self-defence, also; and Dr. Adler, having granted to Dr.

Royce the freedom of libelling me, was bound to grant to me the equal freedom of defending myself against the libel. But this equal freedom Dr. Adler denied. After some fruitless correspondence, I wrote to him on May 4 as follows: "I require the freedom, not of 'parliament,' but of the courts--freedom to present my 'facts,' and no less to draw my 'inferences'--freedom to array my evidence, and no less to make my pleading. By publishing his new libel, you estop yourself from denying me this freedom. If you do deny it, I withdraw altogether and seek justice and redress elsewhere. I ask only what is self-evidently fair: (1) equal space with Dr. Royce, (2) equal freedom with Dr. Royce, (3) no further rejoinders by Dr. Royce, and (4) no editorial mention of the matter at all from the 'Journal' itself." To this letter Dr. Adler merely telegraphed his final reply on May 6 in these brief terms: "Regret your insistence on freedom of courts--parliamentary freedom open to you." This ended the matter, so far as the "Journal of Ethics" was concerned, in Dr. Adler's explicit denial of a full and fair hearing in its columns to a party calumniated and libelled by one of his own contributors and a member of his own "editorial committee."

Negotiations, it is true, for the publication of my reply in the July number were a little later re-opened by Dr. Adler, on receiving advice from a legal friend of his own that to publish it would be his wisest course; but he himself broke them off on a trivial pretext, after receiving contrary advice from Dr. Royce's counsel, together with a copy of the legal protest sent to me personally. Thus Dr. Royce himself, recalling his original consent, procured the final rejection by the "Journal of Ethics" of my reply to his own attack. On June 19, I was notified that the July number had been made up without it.

But already, on June 9, I had received from Mr. J. B. Warner, acting as Dr. Royce's counsel, this formal protest against any other use whatever of my reply: "On Dr. Royce's behalf, I must warn you that he protests against the publication or any circulation of it, in its present shape, and must point out to you that it may, if circulated, entail a serious legal responsibility." To this strangely impolitic and utterly futile attempt to intimidate me in the defence of my own reputation, I chose to offer not the slightest resistance. The protest only facilitated that defence. How could a libeller more conspicuously put himself in the wrong, or more effectually ruin his own evil cause in all eyes, than by *trying to gag the man he had injured*? First, to prevent publication in the "Journal of Ethics" of the very reply he had publicly and defiantly challenged, and then to suppress all circulation of a few privately printed copies of it by means of legal threats: if Dr. Royce could afford to commit such blunders, why should I shield him from himself? "Whom the gods destroy, they first make mad."

Before proceeding to any more energetic measures, however, in order to vindicate my reputation, I was anxious to offer to Dr. Royce an opportunity of doing me justice in a manner which should be consistent with full vindication, yet should involve the least possible publicity and the least possible mortification to himself. Accordingly, on June 20, I wrote to Mr. Warner thus: "I beg leave to enclose a Card, which, if returned to me within a week from to-day, unchanged, dated, and signed by Dr. Royce, and if actually published in the October number of the 'Journal,' will render unnecessary further measures of self-vindication as now contemplated. I send this because you assured me that Dr. Royce disclaims all malice in the publication of the original article I complain of, and because I am willing to test the sincerity of his disclaimer before resorting to other measures for my self-protection. I expect you, who came to me in the character of a pacificator, and who expressed a creditable desire, in which I fully join, for the settlement of this trouble in some way which shall occasion no scandal to Harvard College, to exert your utmost influence with Dr. Royce to persuade him to perform this act of manifest justice to me. A frank retraction and apology, when unjust charges have been made as now, is not dishonorable and ought not to be humiliating; and I shall consider Dr. Royce's action in this matter as showing the sincerity or insincerity of his disclaimer of all malice in his original article." The enclosed paper above mentioned was this:--

A CARD.

CAMBRIDGE, June --, 1891.

I. I admit that I have no knowledge whatever of any "extravagant pretensions" made by Dr. Abbot "as to the originality and profundity of his still unpublished system of philosophy."

II. I admit that Dr. Abbot did not, consciously or unconsciously, "borrow his theory of universals from Hegel," or "sin against the most obvious demands of literary property-rights."

III. I unconditionally retract my "professional warning to the liberal-minded public against Dr. Abbot's philosophical pretensions," acknowledge that it was groundless and unjustifiable, and apologize to Dr. Abbot for having published it in the "International Journal of Ethics."

IV. I authorize the publication of this retraction and apology in the next number of the "International Journal of Ethics" without note or comment.

In his answer of June 24, Mr. Warner informed me that Dr. Royce had gone to Denver, and wrote: "As for the Card which you propose, I will leave Dr. Royce to make his own answer after he has seen it. I will say, however, for my own part, that, while he has always been ready to disclaim any desire to injure you personally, I think that his opinions concerning your philosophical system and its origin are unchanged, and he is not likely to retract them. I must say, too, that you have put your Card in a form in which you could not have expected Dr. Royce to sign it, and I do not regard it as any step, on your part, toward a pacific settlement, nor think your demand a reasonable one to make of a self-respecting man."

The next day, June 25, I wrote to Mr. Warner: "I ought distinctly to deny that my rejected article is 'a libellous paper.' Its statements are true; its motive is not malice, but a self-evident purpose to defend myself against Dr. Royce's libel; and, even if it should be concluded to come under any legal definition of 'libel,' I maintain that it is self-evidently a 'justifiable libel.' If I pay any heed to your notice, it is merely because your notice strengthens my case.--You do not mention when Dr. Royce will return from Denver; but, because my purpose in enclosing to you that Card is in good faith a pacific one, I will wait a reasonable time for his return beyond the date I mentioned. You will not judge the character of that Card accurately, and you cannot give sound or salutary advice to your client, if you ignore the libellous character of his original article. I do not see how 'a self-respecting man' could ever have written such a paper; but, if he did it inadvertently and not maliciously, he would certainly do one of two things: (1) either submit courageously, unflinchingly, and without legal protest, to the reply it challenged and evoked, or (2) manfully retract charges demonstrated, as these have been, to be false. Have you really a different idea of 'self-respect'? Certainly not, for you are an honorable gentleman. Be this as it may, I warn you not to persist in considering that Card as other than a pacific step on my part, if you desire to counsel your client to his own good, or to prove yourself a real friend to Harvard College. I say this in good faith."

To this, on July 2, Mr. Warner replied: "Dr. Royce has returned, and I have submitted to him the Card which you have prepared. As I anticipated, Dr. Royce says that he cannot sign it, nor can I advise him to do so. It goes far beyond any disavowal of malice or personal hostility, and it amounts to a retraction of the opinions which he actually holds about your philosophical system, and that retraction you surely cannot expect him to make. Dr. Royce has again expressed to me his regret that the form of his article should have wounded you, and he is entirely ready to disavow any intention of wounding you."

On July 11, I wrote in answer: "Most certainly I do not expect, or wish, that Dr. Royce should disavow any philosophical 'opinions' he may hold. What I complain of is a *misstatement of fact*, demonstrated to be such, which I believe to have had its origin in a spirit of malicious detraction, and to be now persevered in from no other cause. In my reply to his article, which he himself challenged and then pusillanimously suppressed, he has had abundant means of information. If he now refuses to correct a misstatement which grossly injures me, after he has been informed of the truth, the refusal admits of but one interpretation, and throws a satirical light on the merely private 'regret' he professes. Inasmuch, however, as you have objected (quite unnecessarily, as I think) to the 'form' of the Card I sent you, and inasmuch as I intend to leave no room for doubt as to Dr.

Royce's real animus in this affair, I propose now that he send me such a retraction and apology as you yourself shall deem adequate, fitting, and due. In your letter of June 9, you admitted that Dr. Royce had 'transgressed the limits of courteous discussion' and that you 'do not defend in all respects the tone of the review.' It is plain enough that you, Dr. Royce's own counsel, perceive at least something improper, something that ought to be retracted and apologized for. You are, then, I submit, bound to do what you can to right the wrong, which is not at all done by Dr. Royce's profuse, *but private*, disclaimers. He professes to bear no malice. Very well, then: let him make reparation for the wrong he has committed. He owes it to himself, if he considers himself a gentleman, certainly to his position in Harvard College, to send me some paper, specifying what he himself regrets in his own article, with authority to publish this paper in the 'Journal of Ethics.' The Card I sent sufficiently indicates what I think is due to me; if Dr. Royce, in other language, covers the same ground, it will be accepted as satisfactory. That is the very least that a gentleman would do under the circumstances. You cannot object to this proposal on account of its 'form'; if either you or he objects to it at all, it must be on account of its substance. Certainly you cannot affect to consider it as other than 'pacific.' I shall await your answer to it as to the only 'pacific step on my part' which remains possible to me."

In reply to this letter, on July 24, Mr. Warner wrote: "I forwarded your letter of July 11 to Dr. Royce, and he has written a reply to me which I think it best to enclose as he wrote it." In this enclosed letter, dated July 14, Dr. Royce first re-affirmed, in substance, the truth of his false and ridiculous accusation of plagiarism from Hegel, and then wrote as follows: "Now as to my feeling concerning what was regrettable in my article. I repeat once more--regrettable, in my eyes, was the manner of the article in so far as it actually gave unnecessary pain to Dr. Abbot. And I regard any pain as unnecessary that may have been due, *not* to my objectively justified opinion of Dr. Abbot's work (an opinion which I cannot alter in the least), but to any severity of expression that may not have been absolutely needful to give form to this opinion itself. Dr. Abbot's reply has shown him to be not merely alive to the strong difference of opinion that separates us, but personally offended by an attack that was intended to be indeed severe, but directed wholly to matters of professional, but not of personal concern. This attitude of Dr. Abbot's I regret, and, in so far as I am to blame for it, I am willing to express my regret publicly."

This letter of Dr. Royce is, in effect, a deliberate and unqualified re-affirmation of every fact as alleged, and every inference as drawn, in his original libel--a deliberate and contemptuous re-affirmation of the whole system of elaborate misrepresentation which constitutes it one tissue of libel from beginning to end. Nothing whatever in the substance of his article is retracted or regretted; nothing is "regrettable" even in its form, except vaguely, hypothetically, and conditionally; the only thing Dr. Royce "regrets," as a fact, is that his "objectively justified" and "intentionally severe attack" should have given needless "personal offence" and "unnecessary pain" to its object! This deliberate and contemptuous refusal to recall, to modify, or to apologize for any of the false accusations he has made against me is, I submit, demonstration of the malice which originally prompted them, and now moves him to maintain them; nothing further is needed to make their malicious character perfectly plain, and to prove the insincerity of his disclaimers of malice. But Dr. Royce seriously mistakes the nature of the effect produced by his "attack," when he affects to consider it as the quite needless excitation of excessive sensitiveness. If a gentleman in a crowd discovers his nearest neighbor engaged in filching his pocket-book, and at once hands the culprit over to the police, it would hardly be graphic to describe his frame of mind as needless "personal offence" or "unnecessary pain"; and the expressions are no more graphic as to my own frame of mind, when I discover Dr. Royce endeavoring to filch from me my reputation in the name of Harvard University. It is not always safe to reckon on the absence, in parties confessedly "attacked," of all capacity for *moral indignation*, or all capacity for moral self-defence.

In reply to Mr. Warner, August 4, I wrote as follows: "Permit me further to say, with regard to Dr. Royce's letter, that I can only interpret it as a distinct refusal to retract his accusation that I have made 'extravagant pretensions as to the originality and profundity of my still unpublished system of philosophy'--a distinct refusal to retract his accusation that I have 'borrowed my theory of universals from Hegel'--a distinct refusal to retract his 'professional warning' based upon these accusations. These were the chief points of my Card, and I note the refusal implied by Dr. Royce's evasive letter. But I decline to accept his plea of 'conscientiousness' in

maintaining the accusation as to Hegel. I might as well plead 'conscientiousness' in maintaining an accusation that Dr. Royce assassinated Abraham Lincoln, in face of the evidence that John Wilkes Booth was the assassin."

Here the correspondence closed. My apology for inflicting it upon you, gentlemen, must be the necessity of showing to you that, as I was plainly bound to do, I first exhausted every means of private redress before laying the matter before you publicly. Not till I had failed to obtain a fair hearing in the same periodical which published Dr. Royce's libel, and not till I had failed to obtain from Dr. Royce himself a retraction of this libel, did I find myself reduced to the alternatives of either acquiescing in your own unwarrantably insinuated condemnation, or else of clearing my assailed reputation through direct and open appeal to you. I am no lover of strife, and least of all do I now seek revenge. I seek only such a vindication of my good name from unmerited calumny as you, in your own good judgment and in your own chosen way, are now, I most respectfully submit, bound in justice to give.

### VIII.

To you, therefore, gentlemen of the Corporation and Board of Overseers of Harvard University, I make with all due deference this public appeal for redress of a wrong done to me by one of your appointees--a wrong done, not in his private capacity as an individual (for which, of course, you would not be justly held responsible), but publicly and explicitly and emphatically in the name of his "profession," that is, of his position as a professor in Harvard College. This position is an official one, due to your appointment; and his scandalous abuse of it renders him amenable to discipline by you to whom he owes it. Therefore, I now formally appeal to you for redress of these specific wrongs, committed by Assistant Professor Josiah Royce in flagrant violation of my rights as a citizen and as a man:--

I. He has published against me, in the "International Journal of Ethics," a libel which is as wanton and unprovoked as it is malicious and false, and for which no motive is even conceivable except mere professional jealousy or rivalry in authorship.

II. He has sought to give credibility and respectability to this false and libellous publication by invoking the authority, not of reason or truth, but of his mere "professional" position as professor in Harvard University, thereby artfully suggesting and insinuating to the uninformed public that Harvard University sustains him in his attack; whereas, in conferring upon me the degree of doctor of philosophy and in committing to me formerly the conduct of an advanced course of philosophical instruction, Harvard University has given emphatic testimony to the contrary.

III. Repudiating his bold promise to "ask no mercy," he has sought, with incredible cowardice and meanness, to deprive me of all opportunity of being heard in self-defence, *first*, by excluding from the "International Journal of Ethics" my perfectly reasonable reply to what he himself confesses to have been an "intentionally severe attack," and, *secondly*, by threatening me through his counsel with legal prosecution, if I publish it anywhere else or circulate it at all.

IV. Lastly, when, after all this, in order to spare him the mortification and disgrace of a public exposure, and in order to prevent Harvard University from incurring any possible discredit on account of his personal misconduct, I proposed to him a pacific settlement of the whole affair through a simple retraction of his calumnious accusations, and that, too, in words of his own choosing, he made no answer but a stubborn and contumelious re-affirmation of the original libel.

I submit that these acts of wrong constitute conduct unbecoming a gentleman, a man of honor, or a professor in Harvard University, and justly entitle me to redress at your hands. This appeal has not been made hastily or without a patient and long-protracted effort to secure justice in other ways. Dr. Royce has succeeded hitherto, during many months, in defeating that effort; but now the appeal lies to those whom he cannot control, and

now he must abide your judgment. Asking neither less nor more than justice, and believing that you will recognize justice as Harvard's highest law,

I have the honor to remain, gentlemen, in devoted loyalty to our Alma Mater,

Your obedient servant,

FRANCIS E. ABBOT.

CAMBRIDGE, Oct. 1, 1891.

\* \* \* \* \*

TRANSCRIBER'S NOTE:

On page 5, in the word Boeotia, the oe ligature has been expanded to the two characters, oe. The sentence begins: Only a native of Boeotia could be imposed upon by them, when the actual character....

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